



BOARD OF STATE AND COMMUNITY CORRECTIONS MEETING

THURSDAY, November 15, 2013, 10:00 A.M.
BSCC Conference Room
660 Bercut Drive
Sacramento, CA 95811
(916) 445-5073 www.bscc.ca.gov

*Notes provided by Brian Goldstein, Policy Analyst
Center on Juvenile and Criminal Justice*

Note: Further meeting documents can found online at: <http://www.bscc.ca.gov/board/past-agenda>

Roll Call

- LINDA PENNER Chair, BSCC – In Attendance
- JEFFREY A. BEARD Chair Secretary, CDCR – In Attendance
- DANIEL STONE Director Adult Parole Operations, CDCR – In Attendance
- DEAN GROWDON Sheriff, Lassen County – In Attendance
- LEROY BACA Sheriff, Los Angeles County – In Attendance
- SUSAN MAURIELLO County Administration Officer, Santa Cruz County – In Attendance
- MICHELLE BROWN Chief Probation Officer, San Bernardino – In Attendance
- ADELE ARNOLD Chief Probation Officer, Tuolumne County – In Attendance
- WILLIAM R. POUNDERS Retired Judge, Los Angeles County – In Attendance
- DAVID L. MAGGARD, Jr. Chief of Police, City of Irvine – Absent
- SCOTT BUDNICK Founder, The Anti-Recidivism Coalition (ARC) and Film Producer – In Attendance
- DAVID STEINHART Director Juvenile Justice Program Commonweal – In Attendance
- MIMI H. SILBERT Chief Executive Officer and President Delancey Street Foundation – Absent

CONSENT CALENDAR: *Items on the consent calendar are considered routine and non-controversial. All matters are approved by one motion unless pulled by a Board Member for discussion or separate action. At this time, any member of the public may ask the Board to be heard on any item on the Consent Calendar.*

- A. Board of State and Community Corrections (BSCC) September 12, 2013 Meeting Minutes. Requesting Approval**
- B. Board of State and Community Corrections (BSCC) September 25, 2013 Meeting Minutes. Requesting Approval**
- C. Policy recommendations from the Gang Issues Standing Committee for addressing Assembly Bill 526, which requires the BSCC, in part, to ensure that within three years no less than 70 percent of funding for gang and youth violence suppression, intervention, and prevention programs and strategies is used in programs that utilize promising and proven evidence-based principles and practices. Requesting Approval.**



- D. Funding recommendations from the Executive Steering Committee for the 2013 California Gang Reduction, Intervention and Prevention Program.**
This \$9.2 million in competitive grant funding is being recommended for funding to cities for gang prevention, intervention and suppression activities. If approved the grant period would begin January 1, 2014 ending December 31, 2015. **Requesting Approval.**
- E. Stanislaus County request for Scope Change for their Assembly Bill 900 Phase II Jail Construction Program project. Requesting Approval**
- F. Kern County request for Scope Modification for their Assembly Bill 900 Phase II Jail Construction Financing Program project. Requesting Approval**
- G. Merced County Relinquishment of their Senate Bill 81 Local Youthful Offender Rehabilitative Facilities Conditional Award. Requesting Acceptance**
- H. Los Angeles County Request to Increase the Scope, Budget, and Schedule for their Senate Bill 81 Local Youthful Offender Rehabilitative Facilities project. Requesting Acceptance.**

DISCUSSION ITEM: *There will be a Public Comment period prior to Board action on each item. Agenda items may be taken out of order.*

- I. Los Angeles County's request to relocate their proposed facility from the Pitchess Detention Center Women's Village to the Mira Loma Detention Center for their Assembly Bill 900 Phase II Jail Construction Program project. Requesting Approval.**
- J. Redistribute Assembly Bill 900 Phase 1 Jail Construction Funds to Monterey County and to a Medium Size County Determined by the Board. Requesting Approval to award Monterey County and requesting approval for staff to request additional information from the remaining medium sized counties.**
- K. New Executive Steering Committee and appointment of a Chair and Co-Chair to award the remaining Senate Bill 81 Local Youthful Offender Rehabilitative Facilities Construction Financing Program Funds. Requesting Approval.**
- L. Redirect Colusa County Senate Bill 81 Local Youthful Offender Rehabilitative Facilities Construction Financing Program Conditional Award to Yuba County as allowed per Senate Bill 365. Requesting Approval.**
- M. Standards and Training for Corrections Annual Report and Training Compliance Findings. Requesting Approval of findings.**
- N. Membership of the Standing Committee on Data and Research. Requesting Approval.**
- O. Establish an Executive Steering Committee on Assembly Bill 1050 and Identify a Chair. Requesting Approval.**
- P. Proposed 2014 Board of State and Community Corrections Meeting Schedule. Requesting Adoption.**



PUBLIC COMMENTS: *Public comment period on issues not on agenda.*

MEETING NOTES

- Ms. Penner welcomes the new BSCC Executive Director Kathleen Howard and invites her to make remarks before the Board.
- Ms. Howard thanks Ms. Penner and says she looks forward to working in her new position. Ms. Howard says she hopes to bring excellent service to the BSCC and is impressed with the agencies existing partnerships. Ms. Howard believes there is a widely diverse viewpoint about the role of the Board. She would like the theme of her introduction to be centered on good process because process matters. Ms. Howard believes that BSCC staff needs to adequately prepare Board Members prior to meetings and give material the Friday before a meeting. In response to Mr. Baca’s request, Ms. Howard will work with the California Department of Corrections and Rehabilitation (CDCR) to have a discussion on corrections at the January Board meeting.
- Kara Ueda, of Best Best & Krieger, is present as outside counsel.
- Mr. Baca arrives at the meeting.

CONSENT CALENDAR ITEMS

- Ms. Mauriello wonders if she should recuse herself from voting on Item D, given she represents one of the jurisdictions that will receive grant funding.
- David Steinhart asks where the \$8 million funding relinquishment, by Merced County, would go.
 - BSCC staff replies that this would return to the overall Senate Bill 81 Youthful Offender Block Grant fund.
- Ms. Penner asks for Board approval on all items, except Item D.
 - All Board Members vote in favor.
- Board Members vote on Item D.
 - All Board Members vote in favor, except Ms. Mauriello who abstains.

DISCUSSION ITEMS

Ms. Penner moves Item I, given Mr. Baca is out of meeting and on his cell phone.

Discussion Item J: Redistribute Assembly Bill 900 Phase 1 Jail Construction Funds to Monterey County and to a Medium Size County Determined by the Board. Requesting Approval to award Monterey County and requesting approval for staff to request additional information from the remaining medium sized counties.

- Presentation by BSCC staff Robert Oates, Project Director III (Facilities Standards Operations & Construction).
 - Senate Bill (SB) 365 was signed into law on October 2013, which authorized a redistribution of Assembly Bill (AB) 900 Phase I construction funding of \$80 million in financing to AB 900 Phase II construction financing.



- Monterey County applied in 2011 for \$80 million in AB 900 Phase II funds. The County received only \$36,295,000 due to funding limitations. They submitted a letter in June 2013 for an additional \$43,705,000.
- BSCC staff request that the Board award \$43,705,000 to Monterey County and contact the remaining medium sized counties to gauge interest in the balance of \$36,295,000 in financing authority. Counties will be required to provide documentation before the next Board meeting.

Public Comment:

- Jim Lee (Monterey County Sheriff's Department) says this is an opportunity for counties that did not score high on the initial application.
- Sheriff Scott Miller (Monterey County Sheriff's Department) says he supports this item and it will allow full implementation of their facilities plan. Monterey County is currently dealing with litigation regarding county jail population. The county has already developed an environmental impact report that includes this new amount.
- Kim Horiuchi (American Civil Liberties Union) says her organization opposes the item. Monterey County needs to conduct a study of individuals in custody and expand alternatives to incarceration. The current jail expansion by Monterey County is sufficient.
- Randy Hanvelt (Tuolumne County Board of Supervisors) says he supports a funding allocation to Tuolumne, given their need. The county is ready to make use of any funds available.
- Individual from Yolo County says the county is interested in receiving the remaining AB 900 funds. The county has submitted an application for Senate Bill (SB) 1022. She asks the Board if Yolo County can simultaneously receive AB 900 and SB 1022 funding.
 - Ms. Penner says the county can receive both funds, given the BSCC is in an affirmative stage. There is a tight deadline, so she asks the county to attend the January Board meeting with a resolution from the County Board of Supervisors.
- Mr. Budnick asks if counties who are not receiving funds, because they did not previously score high in application process, can change their ranking.
 - Ms. Penner says the counties were already ranked in the previous competitive process and there is no re-scoring.
- An individual from the County Administrator of Sonoma County says county facilities are near capacity. The county studied the system of jail beds in 2006 and has hired a consultant. With funding, the county would develop systems reform that includes pretrial services and programming resources tied to offender risk.
- Assistant Sheriff Randall Walker (Sonoma County) says he hopes Sonoma County will have an opportunity for a presentation at the January BSCC Board meeting. Sonoma County representatives were previously before the BSCC Board for AB 900 and their consideration for funds is controversial given the county is not under a court-mandated decree. County representatives will return to the Board for their SB 1022 application.
- Individual from Sonoma County says their Criminal Justice Master Plan guides reform. They anticipate a reduction in recidivism. The county has been trying to meet the mandates of AB 109 and they are asking the state to invest in them.



- David Steinhart asks why the Executive Steering Committee (ESC) decided to limit AB 900 funding to medium sized counties and not include small counties.
 - BSCC staff says the cap for small counties has already been reached.
- Ms. Penner says that interested counties should return with a resolution from County Board of Supervisors and all relevant documentation.
- The Board approves the motion.

Discussion Item I: Los Angeles County's request to relocate their proposed facility from the Pitchess Detention Center Women's Village to the Mira Loma Detention Center for their Assembly Bill 900 Phase II Jail Construction Program project. Requesting Approval.

- Mr. Baca recuses himself from the agenda item.
- Presentation by BSCC staff Robert Oates, Project Director III (Facilities Standards Operations & Construction).
 - At the July 2012 Board meeting, Los Angeles County received a conditional award through the AB 900 Phase II Jail Construction Financing Program. The county application involved construction of a new 1,024-bed jail facility at the Pitchess Detention Center Women's Village with a total project of \$194,700,000.
 - In October 2012, the Immigration and Customs Enforcement (ICE) contract at the Mira Loma Detention Facility in Lancaster was terminated and the site is now available for use.
 - In March 2013, the Los Angeles Board of Supervisors studied a potential move to the Mira Loma Facility and any associated costs. These renovations will cost \$110,000,000, with \$100 in state funds and 10 percent county cash/in-kind match).

Public Comment:

- Assistant Sheriff for Custody Terri McDonald (Los Angeles) says Realignment has had a significant effect on jail capacity in Los Angeles County. The second site is more appropriate given speed and fiscal considerations. The campus design is gender specific and allows for better programming space and overall environment. Los Angeles County would like to put a reentry site next to the Mira Loma Detention Facility, which is not possible at the other site. The country will use any SB 1022 funding for this reentry facility.
- Kim Horiuchi (American Civil Liberties Union) says her organization opposes the item. This will expand facility bed space. Los Angeles County has not achieved the intent of their application for AB 109 funds. The Board of Supervisors has not allotted the Sheriff to release pretrial individuals. Los Angeles County has the worst use of split sentencing in California, affecting only 5 percent of individuals. The Board should support alternatives to incarceration rather than expand bed capacity.
- Mr. Steinhart asks about the ACLU comment. Did BSCC staff consider the failure to develop programming in their rating of county applications?
 - BSCC staff says AB 900 was used to increase bed space.



- Mr. Steinhart asks if a county must show an effort to develop alternative programming, if their application is deemed insufficient.
- Ms. Penner says the AB 900 Phase II application was based on bed space need, but Los Angeles County will include programming on site. Los Angeles has already received this award and the agenda item deals exclusively with facility setting.
- David Steinhart says he recognizes that Los Angeles will receive the funding and is satisfied.
- Assistant Sheriff for Custody Terri McDonald (Los Angeles) says that it is difficult to develop alternatives to custody in a Los Angeles County jail. The need to do programming in Los Angeles is pervasive and Mira Loma meets this need.
- Mr. Budnick says he really supports this move by the Los Angeles Sheriff's Department. The Sheriff has argued for more pretrial release options, but the Board of Supervisors refuses to grant him this authority.
- All Board Members vote in support of the motion.
- Ms. Penner says she is happy to speak with the Los Angeles Board of Supervisors to move the project forward.
- Mr. Budnick says the Los Angeles Board of Supervisors allows violent murderers to be released if they have money, but not poor, non-violent individuals on monitored release.
- Mr. Baca says he takes the ACLU comment very seriously. There has been a 40-year drop in bookings and crime. Los Angeles County needs a smarter jail, not a punitive approach. The County is asking for this new approach as part of this narrative.

Discussion Item K: New Executive Steering Committee and appointment of a Chair and Co-Chair to award the remaining Senate Bill 81 Local Youthful Offender Rehabilitative Facilities Construction Financing Program Funds. Requesting Approval.

- Presentation by BSCC staff Robert Oates, Project Director III (Facilities Standards Operations & Construction).
- Staff request that the BSCC establish an ESC to create a rank-ordered list to disburse the remaining Local Youthful Offender Rehabilitative Facility Project Funding, to appoint a Chair and Co-Chair to serve on this committee, and to direct staff to work with both of them to assemble the ESC. The ESC membership will include representatives from the California State Sheriff's Association, Chief Probation Officers of California, and the California State Association of Counties.
- The ESC will award the second round of remaining SB 81 funds, which totals \$83,985,991.
- Mr. Steinhart nominates Mr. Budnick and Ms. Brown as co-chairs of the ESC. No determination is made of who will be chair and co-chair.
- All Board Members vote in support of the motion, which creates the new SB 81 ESC chaired by Mr. Budnick and Ms. Brown.

Discussion Item L: Redirect Colusa County Senate Bill 81 Local Youthful Offender Rehabilitative Facilities Construction Financing Program Conditional Award to Yuba County as allowed per Senate Bill 365. Requesting Approval.



- Presentation by BSCC staff Robert Oates, Project Director III (Facilities Standards Operations & Construction).
- In November 2010 Colusa County received \$5,655,740 through Senate Bill (SB) 81 Local Youthful Offender Rehabilitative Facility Construction funding. SB 365, signed on October 7, 2012 by Governor Brown, allows a county that previously received funding to redirect their conditional award to another county that would subsequently become the lead for a regional facility in partnership with the original county.
- Colusa County would like to redirect their conditional award to Yuba County, who serve as the lead county for a 48-bed tri-county regional facility that would also include Colusa County and Sutter County.
- All Board Members vote in support of the motion.

Discussion Item M: Standards and Training for Corrections Annual Report and Training Compliance Findings. Requesting Approval of findings.

- Presentation by BSCC staff Evonne Garner Deputy Director (Standards and Training for Corrections).
- The BSCC develops training and development standards for local correctional personnel, through the Standards and Training for Corrections (STC) department.
- For FY 2012-13, the STC department conducted an assessment. Program strategies were developed through a stakeholder survey, ESC activity, and Board oversight.
- STC has also begun the Local Selection and Training Standards Project, which is a two-year initiative.
- For FY 2012-13, 159 agencies went through the STC program. 78 were in Full Compliance, 75 were in Substantial Compliance, and 6 were Out of Compliance.
 - Full Compliance is when an agency meets 100 percent of training obligations. Substantial Compliance is when an agency has not met its training obligations by 100 percent, given specific mitigating factors. Out of Compliance is when an agency does not meet 100 percent of its training obligation and is absent approved mitigating reasons.
 - The Board will subject non-compliant jurisdictions to mandatory sanctions.
- STC recommends that Full Compliance and Substantial Compliance be joined into the single category, In Compliance. There is a current misperception that Full Compliance is better than Substantial Compliance. Both categories actually mean the same thing.
- BSCC staff recommends that the Board approve agencies found in Substantial Compliance as having met criteria for successful participation in the STC programs. Staff also recommends that the Board approve the new categories In Compliance and Out of Compliance for FY 2013-14.
- All Board Members vote in support of the motion.

Discussion item N: Membership of the Standing Committee on Data and Research. Requesting Approval.

- Presentation by BSCC staff Robert Takeshta, Deputy Director (ARPS)
- On January 17, 2013, the BSCC established a standing committee for Data and Research and appointed Board Member Susan Mauriello as chair. The committee will work with



BSCC staff to provide guidance with the development of a comprehensive data collection plan and advise staff on how to leverage resources with other groups.

- The BSCC is projected to fill a Research Specialist V, Research Specialist III, Research Specialist I, and Research Analyst.
- Ms Mauriello says this been a long process. The committee will work with others, including the Juvenile Justice Standing Committee (JJSC) and the newly formed AB 1050 ESC on definitions of recidivism and other key terms. She is working with Mr. Beard to find a representative from the California Department of Corrections and Rehabilitation.
- Mr. Steinhart says the JJSC is on a parallel track and there will be a conversation between both groups.
- Ms. Penner says the committee is impressive. The BSCC struggles with significant IT issues.
- The Board approves membership of the BSCC Standing Committee on Data and Research.

Discussion Item O: Establish an Executive Steering Committee on Assembly Bill 1050 and Identify a Chair. Requesting Approval.

- Presentation by BSCC staff Ricardo Goodridge, Field Representative (Corrections Planning and Programs).
- Assembly Bill (AB) 1050 requires the BSCC to develop definitions of specified key terms in order to facilitate consistency in local data collection, evaluation, and implementation of evidence-based programs in consultation with stakeholders and experts. The definitions include recidivism, average daily population, treatment program completion rates, and other terms deemed necessary.
- BSCC staff request permission to establish an ESC, appoint one of its members to serve as chair, develop membership that is reflective of stakeholders, and convene a meeting beginning January 2014.
- BSCC Chair Linda Penner has volunteered to serve as Chair of this ESC.
- Mr. Steinhart says the State Advisory Committee on Juvenile Justice and Delinquency Prevention (SACJJDP) would like one representative on the ESC. He requests that the ESC include one member each from the SACJJDP and the Juvenile Justice Standing Committee.
 - Ms. Penner says that there are significant needs for the ESC, given the Governor's work on SB 105. She asks that the board, "so note request."
 - Mr. Steinhart asks if this would mean no action by the Board? Does the legislation involve juvenile justice issues?
 - Ms. Penner says the BSCC is looking at this and having conversations with the author's office. She is not opposed to incorporating a juvenile justice perspective to the ESC.
 - Mr. Steinhart asks that the Board approve the motion, but if AB 1050 is found to touch the juvenile justice field, then the ESC should incorporate this perspective.
 - Ms. Penner says she is reluctant to appoint the ESC at this meeting.
- Mr. Steinhart makes a motion to accept the staff presentation and asks that the juvenile justice recommendation be included in the ESC should this match the intent of AB 1050.



- All Board Members vote in support of the motion.

Discussion Item P: Proposed 2014 Board of State and Community Corrections Meeting Schedule. Requesting Adoption.

- Ms. Howard presents the prospective schedule for 2014:
 - Thursday, January 16, 2014 at 10:00am
 - Thursday, March 13, 2014 at 10:00am
 - Thursday, May 8, 2014 at 10:00am
 - Thursday, July 10, 2014 at 10:00am
 - Thursday, September 11, 2014 at 10:00am
 - Thursday, November 13, 2014 at 10:00am
- Mr. Baca suggests the state develop an advisory board of wardens. These wardens could talk about innovative programming and changes amid Realignment. Mr. Baca says it is important to empower wardens and there is a need to reform prisons and jails. Mr. Budnick asks if the Board will look at programming in the January meeting?
 - Ms. Howard says yes. There is potential of holding the January meeting in Los Angeles to have this discussion.
 - Mr. Budnick says the California Department of Corrections and Rehabilitation (CDCR) could come in rather than just wardens. Individuals could present before the Board on community-based partnerships with jails and prisons.
 - Mr. Beard says that CDCR staff can come and present.
 - Mr. Steinhart says that the Juvenile Justice Standing Committee would like to present their findings at a future meeting of the Board. He also asks why the Board meetings are held at 10am.
 - Mr. Budnick says he would prefer the 10am meeting time, so he can get back to work.
 - Ms. Howard asks if the six proposed dates work.
 - All Board Members vote in support of the motion.

[END NOTES]